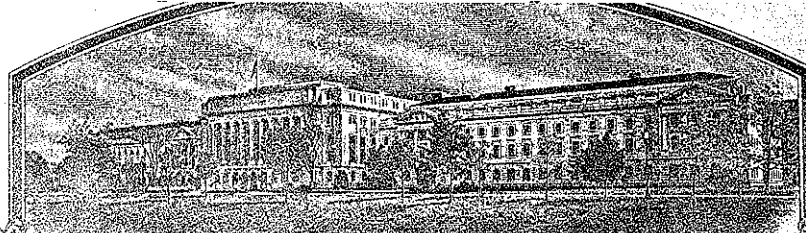


No.

8000043



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Bruce Church, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR OFFERING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Viva II'

In Testimony Whereof, I have hereunto set
my hand and caused the seal of the Plant
Variety Protection Office to be affixed
at the City of Washington
this 15th day of May in
the year of our Lord one thousand nine
hundred and eighty.

Attest:

[Signature]
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

[Signature]
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY <u>Viva II</u>		1b. VARIETY NAME <u>Viva II</u>		FOR OFFICIAL USE ONLY	
2. KIND NAME <u>Lettuce</u>		3. GENUS AND SPECIES NAME <u>Lactuca, Sativa L.</u>		PV NUMBER PV#8000043 <u>8000043</u>	
4. FAMILY NAME (BOTANICAL) <u>Compositae</u>		5. DATE OF DETERMINATION <u>October 15, 1978</u>		FILING DATE <u>1/16/80</u>	
6. NAME OF APPLICANT(S) <u>Bruce Church Inc.</u>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <u>P. O. Box 599 Salinas, California 93902</u>		TIME <u>10:00</u> <u>A.M.</u>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <u>Corporation</u>		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION <u>California</u>		DATE <u>1/16/80</u>	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: <u>Mike Payne, Vice-President Bruce Church Inc. P. O. Box 599, Salinas, California 93902</u>		8. TELEPHONE AREA CODE AND NUMBER <u>(408) 758-4421</u>		11. DATE OF INCORPORATION <u>3-15-49</u>	

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☐ YES ☒ NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☒ NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☐ YES ☒ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

1/8/80

(DATE)

Mike Payne
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)



Bruce Church, Inc.

8000043

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

VARIETY: VIVA II

EXHIBIT A

Origin and Breeding History of Variety

1. Viva II originated from a hand pollinated cross between Empire and Spartan Lakes. The cross was made in the Salinas Valley of California in 1973.
2. Initial trial plantings were conducted in 1974 to allow for individual plant selection work. Several subsequent trial plants were made following the initial selection process to allow for segregation and more evaluations and selections. Selections were made on the basis of size, color, texture and uniform heading capabilities.
3. The procedures involving trial planting, evaluation, and plant selection were repeated numerous times before finally attaining the desirable plant type. These plantings were conducted in Yuma, Arizona, and the Salinas and San Joaquin Valleys of California.
4. Viva II is genetically uniform and free of any distinct variations.



Bruce Church, Inc.

EC00043

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

VARIETY: VIVA II

EXHIBIT B

Novelty Statement

Viva II most closely resembles the variety Viva.

Viva was submitted to the United States Department of Agriculture on July 20, 1979 for a Plant Variety Protection Certificate - application No. 7900095.

The distinguishing features of Viva II compared to Viva include:

1. Seed Color - Viva II is White Seed, Viva is Black Seed.
2. Viva II requires 75 days to seed stalk emergence while Viva requires 70 days.
3. Viva II requires approximately 4-5 days longer to mature seed than Viva.

OBJECTIVE DESCRIPTION OF VARIETY
(LETTUCE)

INSTRUCTIONS: See reverse.

NAME OF APPLICANT(S)

Bruce Church Inc.

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P. O. Box 599
Salinas, California 93902

FOR OFFICIAL USE ONLY

PVPO NUMBER

297 - 1 -

8000013

VARIETY NAME OR TEMPORARY
DESIGNATION

Viva II

Place the appropriate number that describes the varietal character of this variety in the boxes below.

1. PLANT TYPE:

10 = CUTTING (Leaf)

20 = STALK

50 = BUTTERHEAD

60 = LATIN

70 = OTHER (Specify)

30 = COS

31 = SELF-CLOSING
GROUP32 = LOOSE-CLOSING
GROUP

40 = CRISPHEAD

41 = IMPERIAL GROUP

42 = GREAT LAKES GROUP

43 = VANGUARD

44 = NEW YORK GROUP

2. SEED COLOR:

1 = WHITE 2 = BLACK 3 = YELLOW

3. ANTHOCYANIN:

1 = ABSENT 2 = PRESENT

4. LEAF CONTAINING ANTHOCYANIN:

1 = COVERED 2 = SPOTTED 3 = ALONG MARGIN 4 = ABSENT 5 = OTHER (Specify)

5. LEAF SURFACE TEXTURE:

1 = SMOOTH 2 = BLISTERED

6. LEAF SURFACE REFLECTANCE:

1 = DULL 2 = GLOSSY 3 = OTHER (Specify)

7. LEAF MARGIN:

1 = STRAIGHT 2 = WAVY

3 = CURLED

1 = ENTIRE 2 = DENTATE 3 = INCISED

4 = DEEPLY INCISED 5 = OTHER (Specify)

8. LEAF SHAPE:

1 = ROUNDED 2 = POINTED

1 = BROADER
THAN LONG2 = LONGER
THAN BROAD

3 = OTHER (Specify)

9. LEAF COLOR: (See reverse.)

1 = RED 2 = REDDISH-BROWN 3 = YELLOW 4 = YELLOWISH-GREEN 5 = GREYISH-GREEN

6 = BLUE-GREEN 7 = DARK-GREEN 8 = VERY DARK GREEN

10. HEADS:

1 = SPHERICAL 2 = FLATTENED 3 = ELONGATE

4 = POINTED 5 = NON-HEADING

11. PLANT SIZE: (See reverse.)

1 = SMALL 2 = MEDIUM 3 = LARGE

12. CULTURE:

1 = SUMMER
CROP2 = WINTER
CROP3 = NOT
SPECIFIC4 = UNDER
GLASS

5 = OTHER (Specify)

late summer,
fall, early winter

13. SIZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C.: (Place a zero in first box (i.e. 0[2]) when size is 9 mm. or less.)

mm. LENGTH OF SEEDLING

mm. LENGTH OF COTYLEDON

mm. WIDTH OF COTYLEDON

14. DISEASE RESISTANCE TO: (Enter zeroes in box(es) where there is no special disease resistance.)

1 = TIPBURN

2 = MOSAIC

3 = DAMPING OFF

4 = DOWNY MILDEW

5 = SCLEROTINIA
ROT6 = BROWN
BLIGHT

7 = BIG VEIN

8 = OTHER (Specify)

15. OUTLINE THE FOURTH LEAF: (For standardization purposes, the fourth leaf should be taken from a 20-day-old plant grown under constant light.)



FORM GR-471 (REVERSE)

16. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER		NAME OF VARIETY				
Leaf color		Viva				
Leaf pigmentation		Viva				
Leaf shape		Viva				
Plant size		Viva				
Head size		Viva				

VARIETY	NO. OF DAYS TO HEAD MATURITY UNDER WINTER * CROPPING	LOCATION	NO. OF DAYS TO HEAD MATURITY UNDER SUMMER ** CROPPING	LOCATION	NO. OF DAYS TO SEED STALK EMERGENCE UNDER SUMMER CROPPING	LOCATION
Submitted	81 days	Yuma, AZ	65	Huron, CA	75	San Joaquin Valley, CA
Similar	81 days	Yuma, AZ	65	Huron, CA	70	San Joaquin Valley, CA
Name of similar variety →	Viva		Viva		Viva	

* Fall Cropping

** Late Spring

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for completing this form:

1. C. M. Rodenburg, 1960, Varieties of Lettuce, An International Monograph, Instituut voor de Veredeling van Tuinbouwgewassen, Wageningen, Holland.
2. L. L. Morse, 1930, Field Notes on Lettuce, published by Ferry-Morse Seed Co.

LEAF COLOR: Nickerson's or any recognized color fan may be used to determine the leaf color of the described variety. The following lettuce varieties may be used as a guide to identify the eight colors listed on the form.

Color	Variety
Red	"Salad Trim"
Reddish-brown	"Ruby"
Yellow	"Salad Bowl"
Yellowish-green	"Oakleaf"
Greyish-green	"White Boston"
Bluish-green	"Bibb"
Dark-green	"Imperial" group
Very dark green	"Deer Tongue"

PLANT SIZE: The following varieties may be used as a guide to identify the plant type size:

TYPE	COMPARABLE VARIETIES		
	SMALL	MEDIUM	LARGE
Cutting (leaf)	Boston-Curled	Prize Head	Grand Rapids
Stalk (stem)	Celtuce	--	--
Cos	Express	Parris Island	Giant White
Crisphead	Mignonette	Hanson (Merit)	Climax
Butterhead	Tom Thumb	Big Boston	Mammoth Butter
Latin	Sucrino	Creole	Deer Tongue



Bruce Church, Inc.

8000043

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

VARIETY: VIVA II

OBJECTIVE DESCRIPTION OF VARIETY - ITEM 13

Size of Ten-Day Old Seedling Grown
Under Constant Light at 25°C

<u>Length of Seedling</u>	<u>Length of Cotyledon</u>	<u>Width of Cotyledon</u>
94mm	34mm	8mm
85	27	9
72	29	8
79	24	8
82	25	7
75	27	9
74	26	9
74	28	10
79	25	8
<u>80</u>	<u>24</u>	<u>8</u>
Avg. 79mm	27mm	8mm



Bruce Church, Inc.

8000043
8000043

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

VARIETY: VIVA II

EXHIBIT D

Additional Description of Variety

1. Annual. A crisphead lettuce variety with a large size frame. Wrapper leaves are slightly savoyed with a dark green and glossy color. Butt of plant is smooth, core being a large size (diameter: 2- $\frac{1}{2}$ to 3 cen.) and low in vertical distance (2 to 3 cent.)
2. Viva II is best adapted to warm, late summer harvest period of San Joaquin Valley, California; the fall harvest period of Parker, Arizona; and the late fall or early winter harvest periods of Yuma, Arizona and Imperial Valley, California.

EXHIBIT D

to
ASSET ACQUISITION AGREEMENT
by and between
BRUCE CHURCH, INC., a California corporation,
and
KONINKLIJKE ZAAIZAADBEDIJVEN GEBROEDERS SLUIS, B.V.,
a corporation formed under the laws of The Netherlands

ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES

WHEREAS, BRUCE CHURCH, INC., a California corporation the mailing address for which is P.O.Box 80599, Salinas, California U.S.A., 93912-0599, is the owner of certain Plant Variety Protection Certificates issued either to BRUCE CHURCH, INC., or to QUALI-SEL, INC., a Delaware corporation by the Plant Variety Protection Office or by the United States Department of Agriculture, all as listed below (referred to collectively as the PVPs"); and

WHEREAS, KONINKLIJKE ZAAIZAADBEDIJVEN GEBROEDERS SLUIS, B.V., a corporation formed under the laws of The Netherlands, the mailing address for which is Post Box 22, 1600 AA Enkuisen, The Netherlands, is desirous of acquiring the PVP's and the certificates and application thereof;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, BRUCE CHURCH, INC and QUALI-SEL, INC., hereby assigns to KONINKLIJKE ZAAIZAADBEDIJVEN GEBROEDERS SLUIS, B.V. all right, title and interest in and to the PVPs.

The Plant Variety Protection Office is requested to record the assignment of the PVPs in accordance with Section 101 of the Plant Variety Protection Act (7 U.S.C. 2531).

PVP Certificate Number	Date of Issuance	Owner	Name of Variety	PVP Issued To
7400010	April 8, 1975	Bruce Church, Inc.	Red Coach 74	Quali-Sel, Inc.
8600108	January 15, 1988	Bruce Church, Inc.	Vancrisp	Quali-Sel, Inc.
7800014	April 20, 1978	Bruce Church, Inc.	Winter Supreme	Bruce Church, Inc.
8000043	May 15, 1980	Bruce Church, Inc.	Viva II	Bruce Church, Inc.
7800062	June 22, 1978	Bruce Church, Inc.	Blanco	Quali-Sel, Inc.
7900095	January 2, 1980	Bruce Church, Inc.	Viva	Bruce Church, Inc.

Note: The PVP name "Viva" had been changed to "Diplomat", the name change has been approved by the U. S. Department of Agriculture, Livestock and Seed Division. See attached correspondence relative to name change being processed by the Plant Variety Protection Office.

This assignment is executed this 7th day of March, 1988, at Salinas, California.

Quali-Sel, Inc.

Bruce Church, Inc.

By 

Its Vice President

By 

Its President

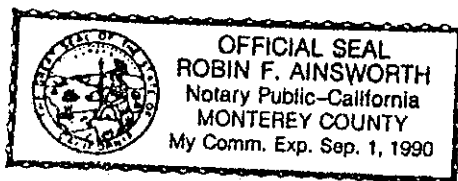
Acknowledgement for Corporation

State of California)

) SS

County of Monterey)

On this 7th day of March, in the year 1988, before me Edward H. Taylor, personally known to me to be the person who executed the within instrument as vice president of Quali-Sel, Inc. and president of Bruce Church, Inc. and acknowledged to me that the corporation executed it.




Notary Public